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2001P07472US01**REMARKS****Amendment to the Claims**

Applicant has amended claims 1, 2, 5 and 19 to make the claim language consistent. Applicant requests this amendment be entered.

In addition, Applicant has amended claim 4 to address the objection raised by the Examiner. Applicant requests this amendment be entered as well.

Claim Rejections - 35 U.S.C. §103

The Examiner rejected claims 1-2, 4-5, 7, 21, 25 and 31 pursuant to 35 U.S.C. §103(a) as being unpatentable over *Furukawa* in view of *Liu, et al.* Applicant disagrees with the basis for this rejection. Specifically, the Examiner acknowledges that *Furukawa* fails to teach the idea of sending a feedback signal about a climate control system and another subsystem. The Examiner contends that these features are taught by *Liu, et al.* and contends motivation exists for the combination of *Furukawa* and *Liu, et al.* "for the purpose of alerting the vehicle operator and others in case of exceeding high or low temperatures in the vehicle interior that might be life-threatening to those toddlers, pets, or other incapacitated living bodies who are left unattended in the vehicle." [Final Office Action (4/21/04), p.4]. While this motivation may be the motivation for the invention of *Liu, et al.*, there is no suggestion of the desirability of this type of feedback signal in *Furukawa*. For this reason, the combination of *Furukawa* with *Liu, et al.* is improper. Therefore, claims 1-2, 4-5, 7, 21, 25 and 31 are in condition for allowance.

The Examiner further rejected claims 8-18, 22 and 29-30 under 35 U.S.C. §103(a) as being unpatentable over *Liu, et al.* in view of *Hammons*. Applicant disagrees with the

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basis for this rejection. The Examiner contends that *Liu, et al.* teaches all the limitations of claim 8 except that the environmental conditioning subsystem comprises at least one of an air conditioning and a heating unit. The Examiner seeks to supply this missing limitation with the unit of *Hammons*, "for the purpose of providing a remote unit that enables a user to remotely enable the system such as the environment conditioning system." However, claim 8 requires, "said communication unit for transmitting a signal beyond said vehicle when said environmental conditioning system meets a predetermined condition." [Claim 8]. Claim 8 further requires that the environmental conditioning subsystem be "at least one of an air conditioning and a heating unit." [Claim 8]. Accordingly, as required by claim 8, a signal is transmitted from the vehicle when the air conditioning and heating unit meets a predetermined condition. This feature is not shown by any of the references, either alone or in combination. Specifically, there is no teaching within the foregoing references of a transmission of a signal when the air conditioner or heating unit meets a predetermined condition. Rather, *Liu, et al.* teaches only the transmission of a signal when the interior of a vehicle exceeds a predetermined level. *Hammons* does not teach the transmission of any signal. Accordingly, even combining these references, there is no showing of the transmission of a signal when the air conditioner or heating unit meet a predetermined condition. For this reason, claim 8 and its dependents, claims 9-18, stand in condition for allowance.

In addition, the motivation for the combination is also insufficient. Substituting the air conditioner and heating unit of *Hammons* for the windows of *Liu, et al.* would defeat the object of the invention of *Liu, et al.* Indeed, there is no reason to believe that

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an air conditioner or heating unit could reach such a dangerous level to justify the shutdown of such a unit. For these reasons, the combination is improper.

The Examiner rejected claims 6 and 32 under 35 U.S.C. §103(a) as being unpatentable over *Furukawa* in view of *Liu, et al.* and further in view of *Flick*. Because the combination of *Furukawa* and *Liu, et al.* are improper for the reasons stated above, the rejection of claim 6 and 32 is also improper. In addition the motivation for the combination of *Flick* with *Furukawa* and *Liu, et al.* is lacking. The Examiner contends that it makes sense to combine *Flick*, "for the purpose of providing an enhanced security feature to the remote control of other functions associated with a vehicle." [Final Office Action (4/21/04), p.8]. Nowhere is this motivation to be found in any of the cited references. In fact, the Examiner fails to explain how the addition of *Flick* with the features of *Furukawa* and *Liu, et al.* would provide an enhanced security feature to the remote control of the other functions associated with the vehicle. For this reason, the combination is improper. Claim 6 and 32 are in condition for allowance.

Claim 19 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Furukawa, Flick* and *Liu, et al.* As a preliminary matter, claim 19 requires transmitting feedback when the desired cab temperature and the actual cab temperature are within range. This feature is not taught by the foregoing cited references. There is no indication in the cited passage of *Liu, et al.* that any feedback is "transmitted." For this reason, claim 19 is in condition for allowance. In addition, the Examiner contends that motivation exists for the combination "for the purpose of providing a communication system for alerting the vehicle driver or others when the danger of fatality comes about." [Final Office Action (4/21/04), pp. 9-10]. However, this motivation makes little sense.

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Liu, et al. teaches an alert system when cabin temperatures have reached a dangerous level, not when cabin temperatures have reached a desired level. Accordingly, claim 19 is in condition for allowance.

The Examiner rejected claims 23-24 and 27-28 pursuant to 35 U.S.C. §103(a) as being unpatentable over *Furukawa, Liu, et al.* and *Hammons*. Because the combination of *Furukawa* and *Liu, et al.* is improper as explained above, the rejection of these claims is also improper. Furthermore, there is no suggestion of the desirability for remotely controlling temperature and blower settings or for that matter any setting of the so-called environment conditioning system of *Hammons* or *Liu, et al.*, which are the windows of the systems. For this reason, claims 23-24 and 27-28 are in condition for allowance.

For the foregoing reasons, Applicant requests allowance of claims 1-2, 4-19 and 21-32.

Respectfully submitted,

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